

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kawazu *et al.*

Appl. No.: 10/521,596 (U.S. Nat'l Phase of
PCT/JP03/09086, filed July 17, 2003)

§ 371 Date: January 18, 2005

For: **Nucleic Acids Encoding Mirafiori
Lettuce Viral Proteins and
Utilization Thereof**

Confirmation No.: *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2144.0300000/RWE/JKM

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of all U.S. Patents and U.S. Patent Application Publications, cited on Form PTO-1449 as documents **AA1** and **AB1**, are not provided in accordance with 37 C.F.R. § 1.98(a)(2). A copy of each other document is provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regard to non-English language documents **AL1**, **AM1**, **AS2**, **AT2** and **AR3** cited on Form PTO 1449:

Document **AL1**, PCT Patent Publication No. WO 01/90362, is in the Japanese language. An unverified English language translation of document **AL1** is attached as document **AS4**.

Document **AM1**, PCT Patent Publication No. WO 2004/009817, is in the Japanese language. An unverified English language translation of document **AM1** is attached as document **AT4**.

Document **AS2**, Sasaya, T., *et al.*, "Amino Acid Sequence of a Protein Encoded in RNA1 of Lettuce Big-vein Virus," presented at The Annual Meeting of the Phytopathological Society of Japan, Abstract no. 2-29, p. 55, Sendai, Japan (April 2-4, 2001), is in the Japanese language. An unverified English language translation of document **AS2** is attached as document **AR5**.

Document **AT2**, Sasaya, T., *et al.*, "Nucleotide Sequence of the Coat Protein Gene of Lettuce Big-vein Virus," *Jpn. J. Phytopathol.* 66:298, Abstract no. 64, The Phytopathological Society of Japan (2000), is in the Japanese language. An unverified English language translation of document **AT2** is attached as document **AS5**.

Document **AR3**, Sasaya, T., *et al.*, "Nucleotide Sequence of the Coat Protein Gene of Lettuce Big-vein Virus," in the Drafts of Summaries of Speech at the Meeting of the Kansai Division of Phytopathological Society of Japan, p. 74, Abstract no. 64, Kensai, Japan (October 12-13, 2000), is in the Japanese language. An unverified English language translation of document **AR3** is attached as document **AT5**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

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art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

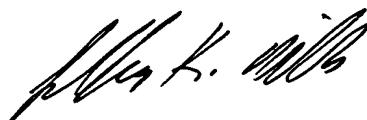
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>			ATTY. DOCKET NO. 2144.0300000/RWE/JKM	APPLICATION NO. 10/521,596 (U.S. Nat'l Phase of PCT/JP03/09086)		
			APPLICANTS Kawazu <i>et al.</i>			
			§ 371 DATE January 18, 2005	ART UNIT <i>To be assigned</i>		

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,684,226	11/04/1997	Sarreal			06/07/1995
	AB1	2004/0014032	01/22/2004	Sasaya <i>et al.</i>			01/17/2003
	AC						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 01/90362	11/29/2001	WIPO			X Yes No
	AM1	WO 2004/009817	01/29/2004	WIPO			X Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Baulcombe, D.C., "Mechanisms of Pathogen-Derived Resistance to Viruses in Transgenic Plants," <i>Plant Cell</i> 8:1833-1844, American Society of Plant Physiologists (1996)
AS	1	Kawazu, Y., <i>et al.</i> , "Nucleotide sequence of the coat protein gene of Mirafiori lettuce virus," <i>J. Gen. Plant. Pathol.</i> 69:55-60, Phytopathological Society of Japan (February 2003)
AT	1	Mirkov, T.E., and Dodds, J.A., "Association of Double-Stranded Ribonucleic Acids with Lettuce Big Vein Disease," <i>Phytopathology</i> 75:631-635, The American Phytopathological Society (1985)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	Roggero, P., <i>et al.</i> , "An Ophiovirus isolated from lettuce with big-vein symptoms," <i>Arch. Virol.</i> 145:2629-2642, Springer-Verlag (2000)
AS	2	Sasaya, T., <i>et al.</i> , "Amino Acid Sequence of a Protein Encoded in RNA1 of Lettuce Big-vein Virus," presented at The Annual Meeting of the Phytopathological Society of Japan, Abstract no. 2-29, p. 55, Sendai, Japan (April 2-4, 2001)
AT	2	Sasaya, T., <i>et al.</i> , "Nucleotide Sequence of the Coat Protein Gene of Lettuce Big-vein Virus," <i>Jpn. J. Phytopathol.</i> 66:298, Abstract no. 64, The Phytopathological Society of Japan (2000)

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	AR	3	Sasaya, T., <i>et al.</i> , "Nucleotide Sequence of the Coat Protein Gene of Lettuce Big-vein Virus," in the Drafts of Summaries of Speech at the Meeting of the Kansai Division of Phytopathological Society of Japan, p. 74, Abstract no. 64, Kensai, Japan (October 12-13, 2000)				
	AS	3	Sasaya, T., <i>et al.</i> , "Nucleotide sequence of the coat protein gene of <i>Lettuce big-vein virus</i> ," <i>J. Gen. Virol.</i> 82:1509-1515, Society for General Microbiology (2001)				
	AT	3	van der Wilk, F., <i>et al.</i> , "Nucleotide sequence and genomic organization of an ophiovirus associated with lettuce big-vein disease," <i>J. Gen. Virol.</i> 83:2869-2877, Cambridge University Press (November 2002)				
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	AN						Yes No
	AO						Yes No
	AP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR	4	Vetten, H.J., <i>et al.</i> , "Electron Microscopical and Serological Detection of Virus-like Particles Associated with Lettuce Big Vein Disease," <i>J. Phytopathology</i> 120:53-59, Paul Parey Scientific Publishers (1987)				
	AS	4	Unverified English language translation of WO 01/90362 (Document AL1), 23 pages				
	AT	4	Unverified English language translation of WO 2004/009817 (Document AM1), 17 pages				
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AR	5	Unverified English translation of Document AS2, Sasaya, T., <i>et al.</i> , "Amino Acid Sequence of a Protein Encoded in RNA1 of Lettuce Big-vein Virus," presented at The Annual Meeting of the Phytopathological Society of Japan, Abstract no. 2-29, p. 55, Sendai, Japan (April 2-4, 2001)
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	AO						Yes No
	AP						Yes No

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AR	6	International Search Report for International Patent Application No. PCT/JP01/04268, mailed August 21, 2001, Japanese Patent Office, Tokyo, Japan
AS	6	Supplementary European Search Report for European Patent Application No. EP 01 93 2194, mailed October 19, 2004, European Patent Office, Rijswijk, Netherlands
AT		

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